

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD

THURSDAY, THE SEVENTEENTH DAY OF FEBRUARY  
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT APPEAL NO : 254 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated  
09/12/2004 in WP NO: 4849 OF 2004 on the file of the High Court.)

Between:

The Regional Manager, APSRTC, Hyderabad City Region, JBS: Picket,  
Secunderabad.

APPELLANT

AND

Md. Javed Pasha, S/o Mohd. Ali,  
R/o. 18-1-111/42, Ex.Servicemen Colony, Uppuguda,  
Hyderabad.

RESPONDENT

Counsel for the Appellant : MR.V.T.M.PRASAD

Counsel for the Respondent: MR. P. VENKATESWARA RAO.

The Court at the admission stage made the following:

JUDGMENT: (Per the Honourable Sri Justice S.Ananda Reddy)

This appeal is filed by the Corporation aggrieved by the order of the learned single Judge directing the appellant-Corporation to examine the case of the petitioners for appointment irrespective of the fact that they failed to attend duty during the strike period in pursuance of the paper notification given by it and pass appropriate orders regarding their request for appointment in pursuance of their selection made in the year 1999, within a period of three months from the date of receipt of copy of that order.

The contention of the learned counsel for the Corporation is that though a penal has been prepared in the year 1999 the same has been expired, and, therefore, it is not possible for the Corporation to consider the claims of the petitioners.

From the material on record, it is clear that the Corporation has advertised 946 driver posts apart from that posts. In pursuance of which, the petitioner and others appeared for the interview and in fact, the Corporation prepared a panel of candidates for appointment. The candidature of the petitioner was not considered on the ground that he failed to respond to a paper notification given by the Corporation during the strike period. But, it is not known as to how the writ petitioner is expected to see the paper notification ;and respond to the Corporation. It is not the case of the Corporation that individual notices or call letters, if any were sent and in spite of that, the writ petitioner did not respond. When the Corporation has failed to issue any appointment orders after the completion of selection process, the latches, if any are only on the part of the Corporation, but not on the part of the writ petitioner. Therefore, there is no illegality in the direction given by the learned single Judge and accordingly, We do not find any merit in the appeal warranting any interference of the order of the learned single Judge.

In the result, this writ appeal is dismissed.

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Justice T.Meena Kumari

17<sup>th</sup> February, 2005

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Justice S.Ananda Reddy

Gurc.

Copies to:

1. The Regional Manager, APSRTC, Hyderabad City Region, JBS: Picket, Secunderabad.
2. Two C.D. copies.

HONOURABLE SMT. JUSTICE T.MEENA KUMARI

&

HONOURABLE SRI JUSTICE S.ANANDA REDDY

WRIT APPEAL No: 254 of 2005

(Judgment delivered by Sri Justice S.Ananda Reddy)

17<sup>th</sup> February, 2005